THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO.7715 of 2006

Dated 20-04-2006

Between:

Raganamoni Laxmaiah, and three others.

..Petitioners

AND

The Government of Andhra Pradesh, rep. by its Secretary,

and two others.

..Respondents.

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WRIT PETITION NO.7715 of 2006

O R D E R:

The petitioners claim to be the owners of agricultural lands to an extent of Acs.7.35 guntas in Survey No.315 and Acs.9.04 guntas in Survey No.317 situated in Kongarakurd-A Village, Maheswaram Mandal, Ranga Reddy District, having inherited the same from their ancestors and have obtained the necessary pattadar passbooks issued by the Mandal Revenue Officer affirming the ownership and have been cultivating the same. While so, when the petitioners, for their family necessities, intended to sell the said lands and presented the document concerned for registration, the second respondent

refused to entertain the said document on the ground that the lands in question which are sought to be sold cannot be registered in view of the complaint given by Darga Hazarat Syed Shaw alleging that the lands in question are inam lands of the said Darga. Under similar circumstances, questioning the refusal of registration in respect of the other lands in the said village, W.P.Nos.15199 of 2004 and 17801 of 2004 were filed. This Court disposed of W.P.No.15199 of 2004 by order dated 01-09-2004 and W.P.No.17801 of 2004 by order dated 04-10-2004 observing that as there is no notification under Section 22-A (1) of the Registration Act, 1908 (hereinafter referred to as 'the Act'), the second respondent has to register the documents and cannot refuse the same. In obedience of the said orders, the second respondent registered the documents in question therein. Having regard to the same, it is apparent that the second respondent, as and when a document is present for registration complying with all the necessary formalities, is under obligation to receive and register the same unless there is any bar on such registration or the lands are published as assigned lands by notification under Section 22 A (1) of the Act or there is any prohibition of transfer or alienation of the lands as per the provisions of the Andhra Pradesh Assigned Land (Prohibition of Transfers) Act, 1977.

In the circumstances, the second respondent is directed to receive the document in question and consider it for registration and pass appropriate orders in accordance with law, and if for any reason the document cannot be registered, the same shall be communicated to the petitioners within a period of two weeks from the date of receipt of the sale deed so presented.

The writ petition is accordingly disposed of. No costs.

A. GOPAL REDDY, J

Dated 20-04-2006

ghn